

## **EXHIBIT 2**

IN THE UNITED STATES DISTRICT COURT  
 FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
 CHARLESTON DIVISION

\* \* \* \* \*

B.P.J., by her next friend and	*	
Mother, HEATHER JACKSON,	*	
Plaintiff	*	Case No.
vs.	*	2:21-CV-00316
WEST VIRGINIA STATE BOARD OF	*	
EDUCATION, HARRISON COUNTY	*	
BOARD OF EDUCATION, WEST	*	
VIRGINIA SECONDARY SCHOOL	*	
ACTIVITIES COMMISSION, W.	*	
CLAYTON BURCH in his official	*	
Capacity as State Superintendent,	*	VIDEOTAPED
DORA STUTLER in her official	*	VIDEOCONFERENCE
Capacity as Harrison County	*	DEPOSITION
Superintendent, PATRICK MORRISEY	*	OF
In his official capacity as	*	BPJ
Attorney General, and THE STATE	*	January 21, 2022
OF WEST VIRGINIA,	*	
Defendants	*	

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1 at Norwood Elementary.

2 Is that correct?

3 A. Yes.

4 Q. And did you go to Norwood Elementary School from  
5 kindergarten through the fifth grade?

6 A. Yes.

7 Q. How did you like Norwood?

8 A. It was a nice school. I really enjoyed it.

9 Q. Did you have a good experience there?

10 A. Yeah.

11 Q. Was Mrs. Stutler your principal for a period of  
12 the time that you were at Norwood Elementary School?

13 A. Yes.

14 Q. Did you know her then?

15 A. Like know her --- could you repeat the question?

16 Q. Sure. No. It probably wasn't a very good  
17 question. Did you sometimes have interactions with Mrs.  
18 Stutler when she was your principal?

19 A. Yes.

20 Q. And how was that? Was she nice with you when  
21 you dealt with her?

22 A. Yes.

23 Q. Did you think she was a good principal?

24 A. Yes.

1 Q. Were you happy with what came out of that  
2 meeting?

3 A. Yes.

4 Q. You were comfortable with the agreements that  
5 was reached with regard to the name that would be used  
6 and the bathroom facilities and any other accommodations  
7 that would be made for you?

8 ATTORNEY HARTNETT: Objection.

9 THE WITNESS: Yes.

10 BY ATTORNEY DENIKER:

11 Q. And then how did fourth grade go? Was it a good  
12 --- was it a good year for you?

13 A. Yeah.

14 Q. Did you feel that the teachers and the principal  
15 and the other employees of the school were supportive of  
16 you?

17 A. Yes, very.

18 Q. Good. And did you feel that they treated you  
19 kindly and fairly?

20 A. Yes.

21 Q. And it sounds like from your earlier testimony  
22 that you also had a good experience with the students in  
23 the school.

24 Is that correct?

1 A. Yes.

2 Q. Tell me about your fifth grade year at Norwood  
3 Elementary School. Did you have a good experience that  
4 year?

5 A. Yes. There was brand new teachers and my  
6 teacher was Ms. Watson. She was a very nice teacher.

7 Q. And do you feel that everyone at the school was  
8 supportive of you?

9 A. Yes.

10 Q. Did you feel that everybody treated you in a  
11 fair and kind manner?

12 A. Yes.

13 Q. And so you had a good school year in fifth grade  
14 as well?

15 A. Yes.

16 Q. Do you recall having any other meetings in  
17 fourth or fifth grade to discuss your transitioning to  
18 being --- to presenting as a girl at school?

19 A. Not that I can remember. Beginning of fourth  
20 grade was the only one I think.

21 Q. And then it's my understanding that this year  
22 you started at Bridgeport Middle School.

23 Is that right?

24 A. Yes.

1 Q. And were you a part of that meeting?

2 A. Yes.

3 Q. Do you remember who else was a part of that  
4 meeting?

5 A. We had my new principal, Mr. Mazza, the  
6 counselor there, Mrs. Shields and my mom.

7 Q. And were you comfortable with what was discussed  
8 and agreed upon at that meeting?

9 A. Yes.

10 Q. And how has sixth grade been so far?

11 A. It's been good.

12 Q. Do you like Mr. Mazza?

13 A. Yes.

14 Q. He is your principal this year.

15 Is that right?

16 A. Yes.

17 Q. Do you feel like Mr. Mazza is supportive of you?

18 A. Yes, very.

19 Q. Good. And do you think that he treats you in a  
20 kind and fair manner?

21 A. Yes.

22 Q. How are your classes this year? Do you like  
23 them?

24 A. Yeah, I like my classes. I have really nice

1 teachers.

2 Q. I think I saw that you are a straight A student.  
3 Maybe I saw that in something that your mom wrote.

4 Is that right?

5 A. Yes.

6 Q. Congratulations. Good for you. Do you feel  
7 that your teachers are fair and supportive of you?

8 A. Yes.

9 Q. And are you comfortable with the arrangements  
10 that the school has made for you this year in terms of  
11 addressing how you want to present at school as being a  
12 girl?

13 A. Yes.

14 Q. I know that we have discussed today sports and  
15 your participation in sports, and I heard you say that  
16 you love running.

17 Is that right?

18 A. Yes.

19 Q. And I understand that you tried out for the  
20 girls cross-country team.

21 Is that correct?

22 A. Yes.

23 Q. So I want to talk to you a little bit about that  
24 process. The cross-country team, did they do some

1 A. Yes.

2 Q. And did you make the team?

3 A. Yes.

4 Q. And I think you said this year they didn't have  
5 any cuts.

6 Is that right?

7 A. Yes.

8 Q. Who were your coaches for cross-country this  
9 year?

10 A. I had Ms. Schoonmaker, Ms. --- Coach Flesher and  
11 Coach McBrayer.

12 Q. And did they coach both the girls and the boys  
13 cross-country teams?

14 A. Yes.

15 Q. How was your season?

16 A. It was good.

17 Q. Did you like cross-country?

18 A. Yes.

19 Q. Did you believe that your coaches treated your  
20 fairly and kindly this season?

21 A. Yes.

22 Q. Did you feel that they were supportive of you?

23 A. Yes.

24 Q. So you think it's fun to run up hills and



1 Q. And B [REDACTED], I should have clarified. Do you know  
2 what I'm talking about when I say House Bill 3293?

3 A. Yeah, HB-3293. Yes.

4 Q. Okay.

5 I just wanted to make sure that you knew what I  
6 was talking about. I thought that you did.

7 B [REDACTED], if you had any concerns about how you  
8 were being treated at school, would you feel comfortable  
9 going to talk to Mr. Mazza about that?

10 A. Yes. If I was being treated bad, then I would  
11 talk to Mr. Mazza.

12 Q. Would you also feel comfortable going to some of  
13 your teachers about that?

14 A. Yes.

15 Q. But do you feel that overall all of the teachers  
16 and administrators, including your principals at  
17 Bridgeport Middle School, have been supportive of your  
18 status as a transgender student?

19 A. Could you repeat the question?

20 Q. Sure. And I apologize, it was a long one. Do  
21 you believe that the teachers and administrators, and  
22 that would include the principals and the other  
23 employees at Bridgeport Middle School, have been  
24 supportive of your transgender status?

1 A. Yes, I think they have been supportive.

2 Q. When you were on the cross-country team did you  
3 believe your teammates were supportive of you?

4 A. Yes.

5 Q. And how about in school, have you had any issues  
6 with other students or problems with students related to  
7 your transgender status?

8 ATTORNEY HARTNETT: Objection to form.

9 THE WITNESS: No. No.

10 ATTORNEY DENIKER: B [REDACTED], those are all  
11 the questions I have for you now. Thanks so much for  
12 your time today.

13 ATTORNEY HARTNETT: We can take a break.  
14 I think this might be a good time to take a break and  
15 then we can come back for questions.

16 VIDEOGRAPHER: Okay. Going off the  
17 record. The current time reads 2:28 p.m.

18 OFF VIDEOTAPE

19 ---

20 (WHEREUPON, A SHORT BREAK WAS TAKEN.)

21 ---

22 ON VIDEOTAPE

23 VIDEOGRAPHER: We are back on the record.

24 The current time reads 2:42 p.m.